

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Daniel W. Miles, et al.

v.

Civil No. 05-cv-056-JM

W. John Funk, et al.

**O R D E R**

Interrogatories and production requests are to parties. Ms. Neumann is not a party. Documents controlled by her, and over which Miles, Hamacher and/or Tavernier have no control, cannot be reached under Rules 33 and 34. If defendants want her documents they must use Rule 45.<sup>1</sup> Defendants' responsive documents must be produced.

The motion (document no. 48) is granted as set forth above.

**SO ORDERED.**

  
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James R. Muirhead  
United States Magistrate Judge

Date: July 18, 2006

cc: Evan M. Fray-Witzer, Esq.  
Russell F. Hilliard, Esq.  
Michael C. McLaughlin, Esq.

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<sup>1</sup>If so, plaintiffs' counsel is reminded that an adequate privilege log is required.